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SUBJECT: Just Say When: Scheduling Serbia's Presidential Elections

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SUMMARY

1. (SBU) Exploiting ambiguities in the law, Serbia's political parties are wrangling over the election schedule, with the presidency, government of Vojvodina province, and key mayoral races potentially at stake. The key consideration scheduling elections is not the law, however, but rather speculations about the timing and outcome of Kosovo status negotiations. Democratic Party (DS) leaders, intent on returning Boris Tadic to the President's Office, particularly want to avoid voters heading to the polls with the loss of Kosovo fresh in their minds, blaming the DS for the loss. The presidential election is not likely this year -- most guess it will take place in the first half of 2008. End Summary.

Election Date Loopholes

2. (U) An apparent flaw in Serbia's Constitutional Law has lawyers and politicians arguing about when the country must hold elections. The law stipulates that the Speaker of Parliament must announce the date of presidential elections by December 31, 2007 or no later than 60 days following the enactment of a body of legislation governing elections and the powers of the president. The adoption of Serbia's new constitution, in 2006, necessitated enactment of legislation governing the presidency, national defense, foreign affairs, and security agencies.

3. (U) The peculiar wording of this legal provision and the government's failure, so far, to send the necessary legislation to parliament has left room for conflicting interpretations and constitutional debates about what to do if the necessary laws are not in place at year's end. In the absence of a sitting Constitutional Court (which cannot convene until Parliament passes yet another law), speculation about Election Day continues. The legal ambiguity regarding Vojvodina and local elections is analogous.

4. (SBU) Parties of the ruling coalition target different remedies for this conundrum. Parliament President Oliver Dulic told the Ambassador, September 11, that, although passing the necessary legislation would be difficult, he intended to announce the election date by December 31, unless the Constitutional Law was amended to allow a delay. DSS members have suggested to the press that they would amend the Constitutional Law. Amending the Constitutional Law requires 2/3 of Parliament, which would require the support of the Radical Party.

Timing is everything

5. (SBU) Legal wrangling aside, Serbia's political parties can not seem to decide whether they stand to gain most politically from early or late elections. Serbia's Radical Party initially pushed

for early elections, backed away, and now are silent on the date. DS insiders, alone, have targeted election dates as late as September 2008 (to early December 2007, depending on what day you ask). On September 26, DS MPs told emboff that their goal was to get ahead of the Troika final report to the UNSYG on the result of Kosovo status negotiations, to ensure that voters cast ballots for Tadic, rather than against Kosovo independence. On October 1, however, media reports stated (and embassy contacts confirmed) that there was DS and DSS agreement to announce, by December 31, elections to be held in March 2008. Analysts speculate that the later date reflects new DS optimism about the outcome of Kosovo negotiations.

¶16. (SBU) Political analysts recognize that the DSS is in a strong position to dictate the election timing. Sonja Licht, Director for the Belgrade Fund for Political Excellence told emboff on September 26 that the DS will have to go along with the DSS schedule in order to keep the coalition together and retain DSS support for President Tadic's candidacy. Marko Blagojevic of SeCID (a local election monitoring and polling group) said, September 26, that parliament was unlikely to pass all the necessary legislation on time. More likely, he said, they would amend the Constitution, and set elections for the spring -- and the DS would go along.

¶17. (SBU) Foreign Minister Jeremic, a Tadic insider, told the Ambassador, October 1, that he and others in the DS were pressing Tadic to act boldly and call for elections now so they could take place before the end of the year -- essentially, calling Kostunica's bluff. But Tadic is not often bold, so we remain skeptical.

Comment

¶18. (SBU) Rising DS hope that Serbia may emerge from the Kosovo negotiations with a result Tadic can sell as a victory has something

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to do with the party's new-found comfort with elections following Kosovo status. On the other hand, it could be something far less subtle -- like a brokered deal for an early DSS endorsement for Tadic for a plum for DSS. In the end, defenders of the Constitutional Law will give way to those who draft and amend the law, and that the DS and DSS will continue in their awkward coalition.

¶19. (SBU) In any event, the issue of election dates and the fear about election results has been slightly hysterical. Much as Kostunica might want to give the DS heartburn and suggest that he would put Tadic's re-election at risk, no viable DSS candidate has emerged and post doubts the PM would go so far as to tip the scales toward a Radical Party candidate. Kostunica has more to gain by preserving his role as king-maker (and PM) than by pitching camp with the SRS that could muck up his machine. End Comment.

MUNTER